

106TH CONGRESS  
2D SESSION

# H. R. 4766

To amend the Elementary and Secondary Education Act of 1965 to authorize the appropriation of funds to assist States and local educational agencies with the expenses of Federal education statutory requirements and priorities relating to infrastructure, technology, and equipment.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2000

Mr. GOODLING (for himself, Mr. ISAKSON, Mr. CASTLE, Mr. McKEON, Mr. PETRI, Mr. UPTON, and Mr. FLETCHER) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to authorize the appropriation of funds to assist States and local educational agencies with the expenses of Federal education statutory requirements and priorities relating to infrastructure, technology, and equipment.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SCHOOL INFRASTRUCTURE AND EQUIPMENT**  
2 **IMPROVEMENT.**

3 Title XII of the Elementary and Secondary Edu-  
4 cation Act of 1965 (20 U.S.C. 8501 et seq.) is amended  
5 to read as follows:

6 **“TITLE XII—CLASSROOM**  
7 **MODERNIZATION**

8 **“SEC. 12001. SHORT TITLE.**

9 “This title may be cited as the ‘Classroom Moderniza-  
10 tion Act of 2000’.

11 **“SEC. 12002. FINDINGS.**

12 “The Congress finds as follows:

13 “(1) All children deserve a high-quality edu-  
14 cation in safe, suitable classrooms with the necessary  
15 equipment. Research shows that academic perform-  
16 ance suffers if students are in school buildings that  
17 are below par. Safety code violations, outdated  
18 science and vocational education laboratories and  
19 equipment, environmental hazards, structural  
20 threats to personal safety, and facilities that are ob-  
21 stacle courses for disabled students all can adversely  
22 affect learning.

23 “(2) The primary responsibility for school con-  
24 struction is and should remain at the State and local  
25 level. However, the Federal Government can provide

1       limited assistance without usurping State and local  
2       decision making.

3           “(3) The limited role of the Federal Govern-  
4       ment should focus on assistance to States and com-  
5       munities in complying with Federal statutory and  
6       regulatory requirements that reduce the ability of  
7       State and local governments to fund the construc-  
8       tion and renovation of school facilities.

9           “(4) Charter schools continue to grow in num-  
10      ber. However, while traditional public schools have  
11      access to special State and local funding streams for  
12      capital improvements and school construction, char-  
13      ter schools are often left to face the difficulty of  
14      finding their own facilities and paying for the cost  
15      of such facilities out of their regular operating  
16      funds. By assisting charter schools in overcoming  
17      persistent infrastructure obstacles, the Federal Gov-  
18      ernment can assist the increasing numbers of stu-  
19      dents attending and waiting to attend charter  
20      schools in order to improve their academic achieve-  
21      ment.

22           “(5) Often children living on Indian lands at-  
23      tend schools that are in disrepair, unsafe, unhealthy,  
24      overcrowded, or in need of extensive renovation. De-  
25      spite the importance of providing a high-quality edu-

1 cation to these children, schools on or near Indian  
2 lands often face an inability to access funding  
3 sources available to schools in other geographic  
4 areas. These schools rely heavily on Federal funds  
5 made available under title VIII of the Elementary  
6 and Secondary Education Act of 1965 to make up  
7 for the lack of other revenues, but often these funds,  
8 especially those earmarked for construction pur-  
9 poses, do not come close to meeting the needs of the  
10 schools. Federal construction and renovation assist-  
11 ance to schools located on or near Indian lands will  
12 help fulfill the Federal responsibility to assist with  
13 the provision of educational services to children  
14 whose education is affected by the Federal trust ob-  
15 ligation to Indians and Indian tribes.

16 **“SEC. 12003. PURPOSE.**

17 “The purpose of this title is to assist public elemen-  
18 tary and secondary schools, including charter schools and  
19 schools on or near Indian lands, with the expenses of Fed-  
20 eral education statutory requirements and priorities relat-  
21 ing to infrastructure, technology, and equipment needs.

22 **“SEC. 12004. RESERVATION; FORMULA GRANTS TO STATES;**  
23 **STATE ALLOTMENTS.**

24 “(a) RESERVATION.—From the amount made avail-  
25 able under section 12015 to carry out this title for each

1 fiscal year, the Secretary shall reserve 3.5 percent of such  
2 amount to carry out section 12009.

3 “(b) FORMULA GRANTS TO STATES.—In the case of  
4 each State that in accordance with section 12006 submits  
5 to the Secretary an application for a fiscal year, the Sec-  
6 retary shall make a grant for the year to the State. The  
7 grant shall consist of the allotment determined for the  
8 State under subsection (c).

9 “(c) DETERMINATION OF AMOUNT OF STATE ALLOT-  
10 MENTS.—

11 “(1) IN GENERAL.—Subject to paragraph (2),  
12 the Secretary shall, for each fiscal year, allocate  
13 among the States the amount made available under  
14 section 12015 to carry out this title and not reserved  
15 under subsection (a) as follows:

16 “(A) 50 percent of such amount shall be  
17 allotted among States in proportion to the num-  
18 ber of children 5 to 17 years of age, inclusive,  
19 who reside within the State from families with  
20 incomes below the poverty line (as defined by  
21 the Office of Management and Budget and re-  
22 vised annually in accordance with section  
23 673(2) of the Community Services Block Grant  
24 Act (42 U.S.C. 9902(2)) applicable to a family  
25 of the size involved for the most recent fiscal

1           year for which satisfactory data are available,  
2           compared to the number of such individuals  
3           who reside in all such States for that fiscal  
4           year.

5           “(B) 50 percent of such amount shall be  
6           allotted among States in proportion to the  
7           amount such State received under part A of  
8           title I for the preceding fiscal year.

9           “(2) MINIMUM.—For any fiscal year, no State  
10          shall be allotted under this subsection an amount  
11          that is less than one-quarter of 1 percent of the total  
12          amount allotted to all the States under this sub-  
13          section.

14          “(3) REALLOTMENT OF UNUSED FUNDS.—If  
15          any State does not apply for an allotment under this  
16          subsection for any fiscal year, the Secretary shall  
17          reallot the amount of the State’s allotment to the re-  
18          maining States in accordance with this subsection.

19   **“SEC. 12005. WITHIN-STATE DISTRIBUTION.**

20          “(a) IN GENERAL.—

21               “(1) DISTRIBUTION.—Except as provided in  
22               paragraph (2), of the funds that a State receives  
23               under section 12004 for a fiscal year, the State shall  
24               distribute 100 percent of such funds to local edu-  
25               cational agencies in the State that, in accordance

1 with section 12006, submit to the State an applica-  
2 tion for the fiscal year. Such distributions may also  
3 be made to consortia of local educational agencies.

4 “(2) SPECIAL RULE.—A State that establishes  
5 a State loan guarantee program under section  
6 12010 that includes a loan guarantee for at least  
7 one charter school may retain not more than 2 per-  
8 cent of the total funds received under section 12004  
9 for use in administering the loan guarantee pro-  
10 gram.

11 “(b) FORM OF DISTRIBUTION.—

12 “(1) IN GENERAL.—Distributions under sub-  
13 section (a) may be in any form that is consistent  
14 with State law on school infrastructure financing,  
15 such as—

16 “(A) grants;

17 “(B) loans; and

18 “(C) aid to issue bonds or other obliga-  
19 tions.

20 “(2) STATE LOAN GUARANTEES.—For purposes  
21 of subsection (a), amounts used to establish a re-  
22 serve fund for a State loan guarantee program  
23 under section 12010 shall be considered amounts  
24 distributed in accordance with subsection (a).

1           “(3) REFUNDING OR REFINANCING OUT-  
2           STANDING OBLIGATIONS.—Distributions under sub-  
3           section (a) may also take the form of aid to refund  
4           or refinance outstanding obligations, if such aid is  
5           consistent with State law on school infrastructure fi-  
6           nancing, is in the public interest, and alleviates the  
7           financial hardship on the recipient.

8           “(c) USE OF OBJECTIVE DATA.—In determining the  
9           distribution of such funds, the State may consider the fol-  
10          lowing:

11           “(1) The percentage of children 5 to 17 years  
12           of age, inclusive, in a local educational agency who  
13           are counted for grants under section 1124(c).

14           “(2) The fiscal capacity of an applicant to carry  
15           out the activities specified in its application without  
16           Federal financial assistance, including the ability to  
17           raise funds through the use of a local educational  
18           agency’s bonding capacity and otherwise.

19           “(3) The demonstrated need for such activities,  
20           based on the condition of the school facility or facili-  
21           ties described in the application.

22           “(4) The fiscal capacity of the applicant to  
23           maintain in good condition any facility whose ren-  
24           ovation is funded under this title and any equipment



1 purchased or repaired with funds provided under  
2 this title.

3 “(5) In the case of an applicant who proposes  
4 to fund a project for a charter school or schools, the  
5 degree of access of such school or schools to funding  
6 for the infrastructure project through the financing  
7 methods available to other public schools or local  
8 educational agencies in the State.

9 “(6) The extent to which activities specified in  
10 the application represent innovative or cost-effective  
11 approaches to meeting public school infrastructure  
12 needs, such as—

13 “(A) the employment of innovative edu-  
14 cational approaches;

15 “(B) the use of partnerships with employ-  
16 ers or other organizations;

17 “(C) the collocation of schools with other  
18 community services; and

19 “(D) the construction or renovation of  
20 school facilities as part of a broader effort to  
21 revitalize disadvantaged neighborhoods and  
22 communities.

23 “(d) FEDERAL SHARE.—

24 “(1) FEDERAL SHARE FOR MEETING FEDERAL  
25 REQUIREMENTS; CHARTER SCHOOLS.—The Federal

1 share of the total cost of any of the following  
2 projects may be 100 percent:

3 “(A) A project described in paragraph (1),  
4 (2), (3), or (8) of section 12007 (and section  
5 12007(9), to the extent that it relates to ancil-  
6 lary renovation necessary to complete such a  
7 project).

8 “(B) A project described in subparagraph  
9 (A), (B), (C), or (H) of section 12009(c)(1)  
10 (and section 12009(c)(1)(I), to the extent that  
11 it relates to ancillary renovation necessary to  
12 complete such a project).

13 “(2) FEDERAL SHARE FOR OTHER SITUA-  
14 TIONS.—The Federal share of the total cost of any  
15 of the following projects may not exceed 50 percent:

16 “(A) A project described in paragraph (4),  
17 (5), (6), or (7) of section 12007 (and section  
18 12007(9), to the extent that it relates to ancil-  
19 lary renovation necessary to complete such a  
20 project).

21 “(B) A project described in subparagraph  
22 (D), (E), (F), or (G) of section 12009(c)(1)  
23 (and section 12009(c)(1)(I), to the extent that  
24 it relates to ancillary renovation necessary to  
25 complete such a project).

1           “(3) NON-FEDERAL SHARE.—The non-Federal  
2       share of the cost of a project described in paragraph  
3       (2) may be provided in cash or in kind, fairly evalu-  
4       ated and may be obtained from any source, includ-  
5       ing funds from State or local governments, nonprofit  
6       organizations, private sector businesses, and private  
7       individuals.

8           “(4) APPLICATION OF FEDERAL SHARE LIMITA-  
9       TIONS TO LOANS.—

10           “(A) CONSTRUCTION.—Nothing in this  
11       subsection shall be construed as permitting any  
12       person or agency to fail to pay principal or in-  
13       terest on any loan made pursuant to this title.

14           “(B) STATE LOAN GUARANTEE PRO-  
15       GRAM.—The limitation in paragraph (2) shall  
16       not be construed as applying to the use of  
17       amounts in a reserve fund established under  
18       section 12010(b) to make payments to financial  
19       institutions in accordance with section  
20       12010(d).

21       **“SEC. 12006. APPLICATIONS.**

22           “(a) STATE APPLICATION.—

23           “(1) IN GENERAL.—In order to receive a grant  
24       under this title for a fiscal year, a State shall submit  
25       to the Secretary an application for such year. Such

1 application shall specify and describe the method by  
2 which the State will distribute funds to local edu-  
3 cational agencies in accordance with section 12005,  
4 including a description of the loan guarantee criteria  
5 established by the State for any State loan guar-  
6 antee program operating with funds received under  
7 this title.

8 “(2) ASSURANCES.—Such State applications  
9 shall contain assurances that—

10 “(A) funds will be provided to a local edu-  
11 cational agency only if the State finds that  
12 projects undertaken with funds received under  
13 this title will be undertaken in an economical  
14 manner; and

15 “(B) the State will comply with the re-  
16 quirements in section 12005(d).

17 “(3) GENERAL APPROVAL.—A State application  
18 submitted to the Secretary under this title shall be  
19 deemed to be approved by the Secretary unless the  
20 Secretary makes a written determination, prior to  
21 the expiration of the 90-day period beginning on the  
22 date that the Secretary receives the application, that  
23 the application is in violation of this title.

24 “(4) DISAPPROVAL.—The Secretary shall not  
25 finally disapprove a State application, except after

1 giving the State notice and opportunity for a hear-  
2 ing.

3 “(b) LOCAL APPLICATIONS.—

4 “(1) IN GENERAL.—Each local educational  
5 agency desiring to receive assistance under this title  
6 for a fiscal year shall submit an application to the  
7 State for such year.

8 “(2) CONTENTS.—Each application described in  
9 paragraph (1) shall contain—

10 “(A) an assurance that the application was  
11 developed in consultation with parents, stu-  
12 dents, classroom teachers, principals, school ad-  
13 ministrators, and other interested community  
14 members;

15 “(B) an assurance that the project will at-  
16 tract the maximum number of qualified bidders,  
17 including small, minority, and women-owned  
18 businesses, through full and open competition;

19 “(C) a description of the renovation, tech-  
20 nology, or equipment acquisition project, to be  
21 supported with funds provided under this title  
22 and how it will significantly impact the condi-  
23 tion of a school facility or facilities;

24 “(D) a cost estimate for the proposed  
25 project;

1           “(E) an identification of other resources,  
2           such as unused bonding capacity, that are avail-  
3           able to carry out the project for which funds  
4           are requested under this title;

5           “(F) an assurance that the local edu-  
6           cational agency shall comply with the require-  
7           ments in section 12005(d) and the limitations  
8           in section 12008; and

9           “(G) such other information and assur-  
10          ances as the State may reasonably require.

11   **“SEC. 12007. AUTHORIZED ACTIVITIES.**

12          “(a) IN GENERAL.—Each local educational agency  
13   receiving funds under this title shall use the funds for one  
14   or more of the following:

15          “(1) Renovation, construction, acquisition, and  
16   start-up needs related to the building infrastructure  
17   of a charter school.

18          “(2) School facilities modifications necessary to  
19   comply with the Americans with Disabilities Act of  
20   1990.

21          “(3) To purchase, lease, or otherwise provide  
22   for the acquisition, of assistive technology devices for  
23   children with disabilities.

1           “(4) School facility wiring and associated infra-  
2           structure improvements that enhance students’ aca-  
3           demic experiences and—

4                   “(A) are necessary for use of the Internet  
5                   or related emerging technologies; or

6                   “(B) that better equip schools for modern  
7                   educational technologies.

8           “(5) Science laboratories and equipment, and  
9           vocational education laboratories and equipment,  
10          that are of significant cost or are related to emerg-  
11          ing technologies.

12          “(6) School facility renovations undertaken for  
13          compliance with fire and safety codes.

14          “(7) School facilities renovations to prevent  
15          traumatic crisis events on school property that would  
16          disrupt the learning environment, such as school  
17          shootings or other major acts of violence, if the ren-  
18          ovations are undertaken in direct response to, or in  
19          anticipation of, such events.

20          “(8) Asbestos abatement or removal from  
21          school facilities.

22          “(9) Any ancillary renovation necessary to com-  
23          plete any of the projects described in paragraphs (1)  
24          through (8).

1       “(b) CLARIFICATION WITH RESPECT TO CHARTER  
2 SCHOOLS.—In a case in which a local educational agency  
3 is not a charter school, the agency may use funds received  
4 under this title to carry out one or more of the authorized  
5 projects described in subsection (a) for the benefit of a  
6 charter school.

7       **“SEC. 12008. LIMITATIONS.**

8       “No funds received under this title may be used for—

9               “(1) payment of maintenance costs in connec-  
10       tion with any projects constructed in whole or in  
11       part with Federal funds provided under this title;

12               “(2) the construction of new school facilities,  
13       except facilities for charter schools and facilities for  
14       an impacted local educational agency under section  
15       12009; or

16               “(3) stadiums or other facilities primarily used  
17       for athletic contests or exhibitions or other events  
18       for which admission is charged to the general public.

19       **“SEC. 12009. GRANTS TO ACCOUNT FOR CHILDREN RESID-**  
20               **ING ON INDIAN LANDS.**

21       “(a) GRANTS FOR LOCAL EDUCATIONAL AGENCIES  
22 IMPACTED BY CHILDREN WHO RESIDE ON INDIAN  
23 LANDS.—Of the funds reserved under section 12004(a),  
24 the Secretary shall distribute 100 percent of such funds  
25 as grants to impacted local educational agencies.



1 “(b) DETERMINATION OF GRANT AMOUNT.—

2 “(1) DETERMINATION OF WEIGHTED STUDENT  
3 UNITS.—For purposes of computing the grant  
4 amounts under this section for any fiscal year, the  
5 Secretary shall determine the results obtained by the  
6 computation made under section 8003(a)(2)(B) for  
7 such year—

8 “(A) for each impacted local educational  
9 agency whose application under subsection (d)  
10 is approved by the Secretary; and

11 “(B) for all such agencies together.

12 “(2) COMPUTATION OF PAYMENT.—For any fis-  
13 cal year, the Secretary shall calculate the amount of  
14 a grant to an impacted local educational agency  
15 whose application under subsection (d) is approved  
16 for the year by—

17 “(A) dividing the amount reserved under  
18 section 12004(a) for such fiscal year by the re-  
19 sults of the computation described in paragraph  
20 (1)(B); and

21 “(B) multiplying the number derived under  
22 subparagraph (A) by the results of the com-  
23 putation described in paragraph (1)(A) for such  
24 agency.

25 “(c) USE OF FUNDS.—

1           “(1) IN GENERAL.—An impacted local edu-  
2           cational agency that receives funds under this sec-  
3           tion shall use such funds for one or more of the fol-  
4           lowing:

5                   “(A) Renovation and construction needs  
6                   related to building infrastructure.

7                   “(B) Facilities modifications necessary to  
8                   comply with the Americans with Disabilities Act  
9                   of 1990.

10                  “(C) Purchase of assistive technology de-  
11                  vices for students with disabilities.

12                  “(D) School facility wiring and associated  
13                  infrastructure improvements that enhance stu-  
14                  dents’ academic experiences and—

15                           “(i) are necessary for use of the Inter-  
16                           net or related emerging technologies; or

17                           “(ii) that better equip schools for  
18                           modern educational technologies.

19                  “(E) Science laboratories and equipment,  
20                  and vocational education laboratories and  
21                  equipment, that are of significant cost or are  
22                  related to emerging technologies.

23                  “(F) School facility renovations under-  
24                  taken for compliance with fire and safety codes.

1           “(G) School facilities renovations to pre-  
2           vent traumatic crisis events on school property  
3           that would disrupt the learning environment,  
4           such as school shootings or other major acts of  
5           violence, if the renovations are undertaken in  
6           direct response to, or in anticipation of, such  
7           events.

8           “(H) Asbestos abatement or removal.

9           “(I) Any ancillary renovation necessary to  
10          complete any of the projects described in sub-  
11          paragraphs (A) through (H).

12          “(2) CLARIFICATION WITH RESPECT TO CHAR-  
13          TER SCHOOLS.—In a case in which an impacted  
14          local educational agency is not a charter school, the  
15          agency may use funds received under this title to  
16          carry out one or more of the authorized projects de-  
17          scribed in paragraph (1) for the benefit of a charter  
18          school.

19          “(d) LOCAL EDUCATIONAL AGENCY APPLICATION.—

20                 “(1) IN GENERAL.—Each impacted local edu-  
21                 cational agency desiring to receive Federal financial  
22                 assistance under this section for a fiscal year shall  
23                 submit an application to the Secretary for such year.

24                 “(2) CONTENTS.—Each application described in  
25                 paragraph (1) shall contain—

1           “(A) an assurance that the application was  
2           developed in consultation with parents, stu-  
3           dents, classroom teachers, principals, school ad-  
4           ministrators, and other interested community  
5           members;

6           “(B) an assurance that the project will at-  
7           tract the maximum number of qualified bidders,  
8           including small, minority, and women-owned  
9           businesses, through full and open competition.

10          “(C) a description of the renovation, tech-  
11          nology, or equipment acquisition project to be  
12          supported with funds provided under this sec-  
13          tion and how it will significantly impact the  
14          condition of a school facility;

15          “(D) a cost estimate for the proposed  
16          project;

17          “(E) an identification of other resources,  
18          such as unused bonding capacity, that are avail-  
19          able to carry out the project for which funds  
20          are requested under this section;

21          “(F) an assurance that the impacted local  
22          educational agency shall comply with the re-  
23          quirements in section 12005(d) and the limita-  
24          tions in section 12008; and

1                   “(G) such other information and assur-  
2                   ances as the Secretary may reasonably require.

3           “(e) DEFINITION.—For purposes of this section, the  
4 term ‘impacted local educational agency’ means, for any  
5 fiscal year—

6                   “(1) a local educational agency that receives a  
7           basic support payment under section 8003(b) for the  
8           fiscal year; and

9                   “(2) with respect to which the number of chil-  
10          dren determined under section 8003(a)(1)(C) for the  
11          agency for the preceding school year constituted at  
12          least 50 percent of the total student enrollment in  
13          the schools of the agency during such preceding  
14          year.

15 **“SEC. 12010. LOAN GUARANTEE PROGRAM.**

16           “(a) IN GENERAL.—From the amount a State is allo-  
17 cated under section 12004 for any fiscal year, the State  
18 may use, consistent with subsections (a)(2) and (b)(2) of  
19 section 12005, some or all of such amount for carrying  
20 out a State loan guarantee program that may include the  
21 provision of loan guarantees for charter schools.

22           “(b) ESTABLISHMENT OF RESERVE FUND FOR LOAN  
23 GUARANTEES.—A State desiring to establish a loan guar-  
24 antee program under this section shall establish a reserve  
25 fund from amounts received from such State’s allotment

1 under section 12004 for the purpose of making commit-  
2 ments to guarantee the payment of principal and interest  
3 on loans made by financial institutions to local educational  
4 agencies.

5 “(c) MINIMUM CRITERIA FOR LOAN GUARANTEES.—  
6 Such a State, in conjunction with appropriate financial in-  
7 stitutions, shall establish and publish criteria for providing  
8 State loan guarantees to local educational agencies. Such  
9 criteria shall include, at a minimum, the requirement that  
10 a State loan guarantee may be issued under the program  
11 only if, at the time of such issuance, the beneficiary to  
12 whom the guarantee is provided agrees to pay an insur-  
13 ance premium on the loan to the State’s reserve fund es-  
14 tablished under subsection (b).

15 “(d) PAYMENT BY STATE TO FINANCIAL INSTITU-  
16 TIONS IN CASES OF DEFAULT.—In accordance with cri-  
17 teria developed by the State, the State shall make pay-  
18 ments from the reserve fund established under subsection  
19 (b) to financial institutions that have provided loans to  
20 local educational agencies that have defaulted on such  
21 loans for the purpose of reimbursing such institutions, in  
22 accordance with State-developed criteria, for the amount  
23 of principal and interest remaining unpaid to the institu-  
24 tions by reason of such default.

1 **“SEC. 12011. NO FULL FAITH AND CREDIT FOR LOANS.**

2 “A loan provided by a State or a financial institution  
3 under this title shall not be an obligation of, or guaranteed  
4 in any respect by, the United States. The full faith and  
5 credit of the United States is not pledged to the payment  
6 of funds which may be required to be paid under any loan  
7 made pursuant to any provision of this title.

8 **“SEC. 12012. SUPPLEMENT NOT SUPPLANT.**

9 “A local educational agency shall use funds received  
10 under this title only to supplement the amount of funds  
11 that would, in the absence of such Federal funds, be made  
12 available from non-Federal sources for the projects de-  
13 scribed in sections 12007 and 12009, and not to supplant  
14 such funds.

15 **“SEC. 12013. REPORT ON OPERATIONS AND ACTIVITIES.**

16 “A State shall, as soon as practicable after the end  
17 of each fiscal year, transmit to the Committee on Edu-  
18 cation and the Workforce of the House of Representatives  
19 and the Committee on Health, Education, Labor, and  
20 Pensions of the United States Senate a report of the  
21 State’s operations and activities funded under this title.

22 **“SEC. 12014. DEFINITIONS.**

23 “For the purpose of this title:

24 “(1) **ASSISTIVE TECHNOLOGY DEVICE.**—The  
25 term ‘assistive technology device’ has the meaning

1 given such term in section 602(1) of the Individuals  
2 with Disabilities Education Act (20 U.S.C. 1401(1)).

3 “(2) AUTHORIZED PUBLIC CHARTERING AGEN-  
4 CY.—The term ‘authorized public chartering agency’  
5 means a State educational agency, local educational  
6 agency, or other public entity that has the authority  
7 pursuant to State law and is approved by the Sec-  
8 retary to authorize or approve a charter school.

9 “(3) CHARTER SCHOOL.—The term ‘charter  
10 school’ means a public school that—

11 “(A) in accordance with a specific State  
12 statute authorizing the granting of charters to  
13 schools, is exempted from significant State or  
14 local rules that inhibit the flexible operation  
15 and management of public schools, but not  
16 from any rules relating to the other require-  
17 ments of this paragraph;

18 “(B) is created by a developer as a public  
19 school, or is adapted by a developer from an ex-  
20 isting public school, and is operated under pub-  
21 lic supervision and direction;

22 “(C) operates in pursuit of a specific set of  
23 educational objectives determined by the  
24 school’s developer and agreed to by the author-  
25 ized public chartering agency;



1           “(D) provides a program of elementary or  
2 secondary education, or both;

3           “(E) is nonsectarian in its programs, ad-  
4 missions policies, employment practices, and all  
5 other operations, and is not affiliated with a  
6 sectarian school or religious institution;

7           “(F) does not charge tuition;

8           “(G) complies with the Age Discrimination  
9 Act of 1975, title VI of the Civil Rights Act of  
10 1964, title IX of the Education Amendments of  
11 1972, section 504 of the Rehabilitation Act of  
12 1973, and part B of the Individuals with Dis-  
13 abilities Education Act;

14           “(H) is a school to which parents choose to  
15 send their children, and that admits students  
16 on the basis of a lottery, or in another non-  
17 discriminatory manner consistent with State  
18 law, if more students apply for admission than  
19 can be accommodated;

20           “(I) agrees to comply with the same Fed-  
21 eral and State audit requirements as do other  
22 elementary and secondary schools in the State,  
23 unless such requirements are specifically waived  
24 for the purpose of this program;

1           “(J) meets all applicable Federal, State,  
2           and local health and safety requirements;

3           “(K) operates in accordance with State  
4           law; and

5           “(L) has a written performance contract  
6           with the authorized public chartering agency in  
7           the State that includes a description of how  
8           student performance will be measured in char-  
9           ter schools pursuant to State assessments that  
10          are required of other schools and pursuant to  
11          any other assessments mutually agreeable to  
12          the authorized public chartering agency and the  
13          charter school.

14          “(4) DEVELOPER.—The term ‘developer’ means  
15          an individual or group of individuals (including a  
16          public or private nonprofit organization), which may  
17          include teachers, administrators and other school  
18          staff, parents, or other members of the local commu-  
19          nity in which a charter school project will be carried  
20          out.

21          “(5) LOCAL EDUCATIONAL AGENCY.—The term  
22          ‘local educational agency’ includes—

23                  “(A) a local educational agency (as defined  
24                  in section 14101(18)); and

1                   “(B) a charter school constituted as a local  
2                   educational agency under State law.

3                   “(6) RENOVATION.—The term ‘renovation’  
4                   means the alteration or restoration of a building,  
5                   structure, or facility, including—

6                   “(A) the return of the existing facility to  
7                   good condition through repair; and

8                   “(B) the concurrent installation of equip-  
9                   ment.

10 **“SEC. 12015. AUTHORIZATION OF APPROPRIATIONS.**

11                   “‘There are authorized to be appropriated to carry out  
12 this title \$1,500,000,000 for fiscal year 2001 and each  
13 of the 4 succeeding fiscal years.’”.

14 **SEC. 2. REPORT OF FEDERAL CONDITIONS OF AID ON**  
15 **SCHOOL CONSTRUCTION PROJECTS.**

16                   Not later than one year after the date of the enact-  
17 ment of this Act, the Comptroller General of the United  
18 States shall transmit to the Congress a report containing  
19 a description of the impact of Federal conditions of aid  
20 on school construction projects. The report shall contain  
21 an analysis of how such Federal conditions of aid, includ-  
22 ing regulatory restrictions, might inflate the cost of con-  
23 struction, with the goal of identifying and achieving poten-  
24 tial savings or improved efficiencies to maximize the im-  
25 pact of Federal funding of school construction. Informa-

1 tion for the report shall be gathered from 15 States se-  
2 lected to represent a variety of regional, population, and  
3 demographic profiles.

4 **SEC. 3. EFFECTIVE DATE.**

5       This Act and the amendments made by this Act shall  
6 take effect on October 1, 2000, or the date of the enact-  
7 ment of this Act, whichever occurs later.

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